



SCHWEGMAN \_ LUNDBERG \_ WOESSNER \_ KLUTH

Attorney Docket No.1557.005US1

**United States Patent Application**  
COMBINED DECLARATION AND POWER OF ATTORNEY

COPY OF PAPERS  
ORIGINALLY FILED

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **METHODS AND SYSTEMS TO ACCESS STORAGE OBJECTS.**

The specification of which was filed on **November 29, 2001** as application serial no. **09/997,350.**

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. ' 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. ' 1.63(e).

I hereby claim foreign priority benefits under 35 U.S.C. ' 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

No such claim for priority is being made at this time.

I hereby claim the benefit under 35 U.S.C. ' 119(e) of any United States provisional application(s) listed below:

No such claim for priority is being made at this time.

I hereby claim the benefit under 35 U.S.C. ' 120 or 365(c) of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. ' 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. ' 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

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**I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:**

Anglin, J. Michael	Reg. No. 24,916	Gortyeh, Joseph E.	Reg. No. 41,791	Nama, Kash	Reg. No. 44,255
Aronoff, Marvin S.	Reg. No. 35,052	Greaves, John N.	Reg. No. 40,362	Nelson, Albin J.	Reg. No. 28,650
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Beckman, Marvin L.	Reg. No. 38,377	Harris, Robert J.	Reg. No. 37,346	Nielsen, Walter W.	Reg. No. 25,539
Berdie, Raymond R.	Reg. No. P-50,769	Jackson Hnebsch, Katharine A.	Reg. No. 47,670	Padys, Danny J.	Reg. No. 35,635
Bianchi, Timothy E.	Reg. No. 39,610	Jurkovich, Patti J.	Reg. No. 44,813	Parker, J. Kevin	Reg. No. 33,024
Billion, Richard E.	Reg. No. 32,836	Kalis, Janal M.	Reg. No. 37,650	Perdok, Monique M.	Reg. No. 42,989
Black, David W.	Reg. No. 42,331	Klima-Silberg, Catherine I.	Reg. No. 40,052	Peret, Andrew R.	Reg. No. 41,246
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Brooks, Edward J., III	Reg. No. 40,925	Lacy, Rodney L.	Reg. No. 41,136	Pront, William F.	Reg. No. 33,995
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Clise, Timothy B.	Reg. No. 40,957	Lundberg, Steven W.	Reg. No. 30,568	Scott, John C.	Reg. No. 38,613
Cochran, David R.	Reg. No. 46,632	Maki, Peter C.	Reg. No. 42,832	Smith, Michael G.	Reg. No. 45,368
Dahl, John M.	Reg. No. 44,639	Malen, Peter L.	Reg. No. 44,894	Speier, Gary J.	Reg. No. 45,458
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Gamon, Owen J.	Reg. No. 36,143	Moore, Charles L., Jr.	Reg. No. 33,742	Viksnius, Ann S.	Reg. No. 37,748
Grorrie, Gregory J.	Reg. No. 36,530	Muller, Mark V.	Reg. No. 37,509	Woessner, Warren D.	Reg. No. 30,440

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below:  
P.O. Box 2938, Minneapolis, MN 55402  
Telephone No. (612)373-6900

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 1 : Thomas W. Lanzatella  
Citizenship: United States of America  
Post Office Address: 186 Malcom Avenue SE  
Minneapolis, MN 55414

Residence: Minneapolis, MN

Signature: Thomas W. Lanzatella

Date: \_\_\_\_\_

Full Name of joint inventor number 2 : Graham Bromley  
Citizenship: United Kingdom  
Post Office Address: 11582 Soleado Court  
Dublin, CA 94568

Residence: Dublin, CA

Signature: Graham Bromley

Date: 4/17/02

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

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Full Name of joint inventor number 3 : John A. Colgrove  
Citizenship: United States of America  
Post Office Address: 790 Sunshine Drive  
Los Altos, CA 94042

Residence: Los Altos, CA

Signature: \_\_\_\_\_  
John A. Colgrove

Date: \_\_\_\_\_

Full Name of joint inventor number 4 : Ron Karr  
Citizenship: United States of America  
Post Office Address: 333 Ramona Street  
Palo Alto, CA 94301

Residence: Palo Alto, CA

Signature: \_\_\_\_\_  
Ron Karr

Date: 3/15/2002

Full Name of joint inventor number 5 : Blaine T. Cuykendall  
Citizenship: United States of America  
Post Office Address: 732 Chapman Street  
San Jose, CA 95126

Residence: San Jose, CA

Signature: \_\_\_\_\_  
Blaine T. Cuykendall

Date: \_\_\_\_\_

Full Name of joint inventor number 6 : Oleg Kiselev  
Citizenship: United States of America  
Post Office Address: 555 Bryant #333  
Palo Alto, CA 94301

Residence: Palo Alto, CA

Signature: \_\_\_\_\_  
Oleg Kiselev

Date: \_\_\_\_\_

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Full Name of joint inventor number 7 : Craig Harmer  
Citizenship: United States of America  
Post Office Address: 110 Clayton Street  
San Francisco, CA 94117

Residence: San Francisco, CA

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Craig Harmer

Full Name of joint inventor number 8 : Allen Unueco  
Citizenship: United States of America  
Post Office Address: 16226 NE 29th Street  
Bellevue, WA 98052

Residence: Bellevue, WA

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Allen Unueco

Full Name of joint inventor number 9 : Steven Michael Umbehocker  
Citizenship: United States of America  
Post Office Address: 4704 East Mercer Way  
Mercer Island, WA 98040

Residence: Mercer Island, WA

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Steven Michael Umbehocker

Full Name of inventor:  
Citizenship:  
Post Office Address:

Residence:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

' 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by ' 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

**No such claim for priority is being made at this time.**

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Signature:   
Thomas W. Lanzatella

Date: 01 March 2002

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Graham Bromley

Date: \_\_\_\_\_

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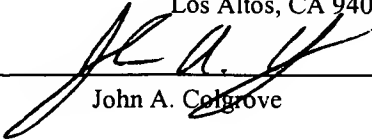
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Signature: \_\_\_\_\_

  
John A. Colgrove

Date: \_\_\_\_\_

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Signature: \_\_\_\_\_

Ron Karr

Date: \_\_\_\_\_

Full Name of joint inventor number 5 : **Blaine T. Cuykendall**

Citizenship: **United States of America**

Residence: **San Jose, CA**

Post Office Address: **732 Chapman Street  
San Jose, CA 95126**

Signature: \_\_\_\_\_

Blaine T. Cuykendall

Date: \_\_\_\_\_

Full Name of joint inventor number 6 : **Oleg Kiselev**

Citizenship: **United States of America**

Residence: **Palo Alto, CA**

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Craig Harmer  
Craig Harmer

Date: \_\_\_\_\_

April 3, 2002

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Citizenship: United States of America  
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Mercer Island, WA 98040

Residence: Mercer Island, WA

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Full Name of inventor:  
Citizenship:  
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Signature: \_\_\_\_\_

Date: \_\_\_\_\_

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(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

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- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

# United States Patent Application

## COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **METHODS AND SYSTEMS TO ACCESS STORAGE OBJECTS.**

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Dahl, John M.	Reg. No. 44,639	Malen, Peter L.	Reg. No. 44,894	Speier, Gary J.	Reg. No. 45,458
Drake, Eduardo E.	Reg. No. 40,594	Mates, Robert E.	Reg. No. 35,271	Steffey, Charles E.	Reg. No. 25,179
Embreton, Janet E.	Reg. No. 39,665	McCrackin, Ann M.	Reg. No. 42,858	Stordal, Leif T.	Reg. No. 46,251
FitzGerald, Joseph T. Reg. No. 33,881		McTavish, Hugh E.	Reg. No. 48,341	Terry, Kathleen R.	Reg. No. 31,884
Forrest, Bradley A.	Reg. No. 30,837	Mehrle, Joseph P.	Reg. No. 45,535	Tong, Viet V.	Reg. No. 45,416
Gamon, Owen J.	Reg. No. 36,143	Moore, Charles L., Jr.	Reg. No. 33,742	Viksnins, Ann S.	Reg. No. 37,748
Gorrie, Gregory J.	Reg. No. 36,530	Muller, Mark V.	Reg. No. 37,509	Woessner, Warren D.	Reg. No. 30,440

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below:

P.O. Box 2938, Minneapolis, MN 55402  
Telephone No. (612)373-6900

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 1 : Thomas W. Lanzatella

Citizenship: United States of America

Residence: Minneapolis, MN

Post Office Address: 186 Malcom Avenue SE  
Minneapolis, MN 55414

Signature: \_\_\_\_\_  
Thomas W. Lanzatella

Date: \_\_\_\_\_

Full Name of joint inventor number 2 : Graham Bromley

Citizenship: United Kingdom

Residence: Dublin, CA

Post Office Address: 11582 Soleado Court  
Dublin, CA 94568

Signature: \_\_\_\_\_  
Graham Bromley

Date: \_\_\_\_\_

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

SCHWEGMAN \_ LUNDBERG \_ WOESSNER \_ KLUTH

**United States Patent Application**  
COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: METHODS AND SYSTEMS TO ACCESS STORAGE OBJECTS.

The specification of which was filed on November 29, 2001 as application serial no. 09/997,350.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. ' 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. ' 1.63(e).

I hereby claim foreign priority benefits under 35 U.S.C. ' 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

No such claim for priority is being made at this time.

I hereby claim the benefit under 35 U.S.C. ' 119(e) of any United States provisional application(s) listed below:

No such claim for priority is being made at this time.

I hereby claim the benefit under 35 U.S.C. ' 120 or 365(c) of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. ' 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. ' 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

No such claim for priority is being made at this time.

Attorney Docket No.: 1557.005US1  
 Serial No. 09/997,350  
 Filing Date: November 29, 2001

Page 2 of

**I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:**

Anglin, J. Michael	Reg. No. 24,916	Gortych, Joseph E.	Reg. No. 41,791	Nama, Kash	Reg. No. 44,255
Aronoff, Marvin S.	Reg. No. 35,052	Greaves, John N.	Reg. No. 40,362	Nelson, Albin J.	Reg. No. 28,650
Arora, Suneel	Reg. No. 42,267	Hauck, John L.	Reg. No. 36,154	Nicholson, Lea A.	Reg. No. 48,346
Beekman, Marvin L.	Reg. No. 38,377	Harris, Robert J.	Reg. No. 37,346	Nielsen, Walter W.	Reg. No. 25,539
Berdie, Raymond R.	Reg. No. P-50,769	Jackson Huebsch, Katharine A.	Reg. No. 47,670	Padys, Danny J.	Reg. No. 35,635
Bianchi, Timothy E.	Reg. No. 39,610	Jurkovich, Patti J.	Reg. No. 44,813	Parker, J. Kevin	Reg. No. 33,024
Billion, Richard E.	Reg. No. 32,836	Kalls, Janal M.	Reg. No. 37,650	Perdok, Monique M.	Reg. No. 42,989
Black, David W.	Reg. No. 42,331	Klima-Silberg, Catherine I.	Reg. No. 40,052	Pcret, Andrew R.	Reg. No. 41,246
Brennan, Thomas F.	Reg. No. 35,075	Kluth, Daniel J.	Reg. No. 32,146	Peterson, David C.	Reg. No. 47,857
Brooks, Edward J., III	Reg. No. 40,925	Lacy, Rodney L.	Reg. No. 41,136	Prout, William F.	Reg. No. 33,995
Chadwick, Robin A.	Reg. No. 36,477	Lemaire, Charles A.	Reg. No. 36,198	Schumma, Sherry W.	Reg. No. 39,422
Clark, Barbara J.	Reg. No. 38,107	LeMolne, Dana B.	Reg. No. 40,062	Schwegman, Micheal L.	Reg. No. 25,816
Clise, Timothy B.	Reg. No. 40,957	Lundberg, Steven W.	Reg. No. 30,568	Scott, John C.	Reg. No. 38,613
Cochran, David R.	Reg. No. 46,632	Maki, Peter C.	Reg. No. 42,832	Smith, Michael G.	Reg. No. 45,368
Dahl, John M.	Reg. No. 44,639	Malen, Peter L.	Reg. No. 44,894	Speier, Gary J.	Reg. No. 45,458
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Grorie, Gregory J.	Reg. No. 36,530	Muller, Mark V.	Reg. No. 37,509	Woessner, Warren D.	Reg. No. 30,440

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**Full Name of joint inventor number 1 : Thomas W. Lanzatella**

**Citizenship: United States of America**

**Residence: Minneapolis, MN**

**Post Office Address: 186 Malcom Avenue SE  
Minneapolis, MN 55414**

**Signature:**

Thomas W. Lanzatella

**Date:** \_\_\_\_\_

**Full Name of joint inventor number 2 : Graham Bromley**

**Citizenship: United Kingdom**

**Residence: Dublin, CA**

**Post Office Address: 11582 Soleado Court  
Dublin, CA 94568**

**Signature:**

Graham Bromley

**Date:** \_\_\_\_\_

**X Additional inventors are being named on separately numbered sheets, attached hereto.**

Attorney Docket No.: 1557.005US1  
Serial No. 09/997,350  
Filing Date: November 29, 2001

Page 3 of

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Full Name of joint inventor number 3: John A. Colgrove  
Citizenship: United States of America  
Post Office Address: 790 Sunshine Drive  
Los Altos, CA 94042

Residence: Los Altos, CA

Signature:

John A. Colgrove

Date: \_\_\_\_\_

Full Name of joint inventor number 4: Ron Karr  
Citizenship: United States of America  
Post Office Address: 333 Ramona Street  
Palo Alto, CA 94301

Residence: Palo Alto, CA

Signature:

Ron Karr

Date: \_\_\_\_\_

Full Name of joint inventor number 5: Blaine T. Cuykendall  
Citizenship: United States of America  
Post Office Address: 732 Chapman Street  
San Jose, CA 95126

Residence: San Jose, CA

Signature:

Blaine T. CuykendallDate: 5/10/02

Full Name of joint inventor number 6: Oleg Kiselev  
Citizenship: United States of America  
Post Office Address: 555 Bryant #333  
Palo Alto, CA 94301

Residence: Palo Alto, CA

Signature:

Oleg Kiselev

Date: \_\_\_\_\_

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

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Full Name of joint inventor number 3 : John A. ColgroveCitizenship: United States of AmericaResidence: Los Altos, CAPost Office Address: 790 Sunshine Drive  
Los Altos, CA 94042Signature: \_\_\_\_\_  
John A. Colgrove

Date: \_\_\_\_\_

Full Name of joint inventor number 4 : Ron KarrCitizenship: United States of AmericaResidence: Palo Alto, CAPost Office Address: 333 Ramona Street  
Palo Alto, CA 94301Signature: \_\_\_\_\_  
Ron Karr

Date: \_\_\_\_\_

Full Name of joint inventor number 5 : Blaine T. CuykendallCitizenship: United States of AmericaResidence: San Jose, CAPost Office Address: 732 Chapman Street  
San Jose, CA 95126Signature: \_\_\_\_\_  
Blaine T. Cuykendall

Date: \_\_\_\_\_

Full Name of joint inventor number 6 : Oleg KiselevCitizenship: United States of AmericaResidence: Palo Alto, CAPost Office Address: 555 Bryant #333  
Palo Alto, CA 94301Signature: \_\_\_\_\_  
Oleg KiselevDate: 4/1/02

☒ Additional inventors are being named on separately numbered sheets, attached hereto.



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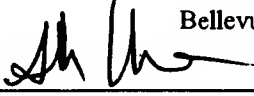
Full Name of joint inventor number 7 : Craig Harmer  
 Citizenship: United States of America  
 Post Office Address: 110 Clayton Street  
San Francisco, CA 94117

Residence: San Francisco, CA

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Craig Harmer

Full Name of joint inventor number 8 : Allen Unueco  
 Citizenship: United States of America  
 Post Office Address: 16226 NE 29th Street  
Bellevue, WA 98052

Residence: Bellevue, WA

Signature:  Date: 4th March, 2002  
Allen Unueco

Full Name of joint inventor number 9 : Steven Michael Umbehocker  
 Citizenship: United States of America  
 Post Office Address: 4704 East Mercer Way  
Mercer Island, WA 98040

Residence: Mercer Island, WA

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Steven Michael Umbehocker

Full Name of inventor:  
 Citizenship:  
 Post Office Address:

Residence:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Attorney Docket No.: 1597.005US1  
Serial No. 09/997,350  
Filing Date: November 29, 2001

Page 4

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Full Name of joint inventor number 7: Craig Harmer  
Citizenship: United States of America Residence: San Francisco, CA  
Post Office Address: 110 Clayton Street  
San Francisco, CA 94117

Signature: \_\_\_\_\_

Craig Harmer

Date: \_\_\_\_\_

Full Name of joint inventor number 8: Allen Unueco  
Citizenship: United States of America Residence: Bellevue, WA  
Post Office Address: 16226 NE 29th Street  
Bellevue, WA 98052

Signature: \_\_\_\_\_

Allen Unueco

Date: \_\_\_\_\_

Full Name of joint inventor number 9: Steven Michael Umbehoeker  
Citizenship: United States of America Residence: Mercer Island, WA  
Post Office Address: 4704 East Mercer Way  
Mercer Island, WA 98040

Signature: \_\_\_\_\_

Steven Michael Umbehoeker

Date: May 10th 2007

Full Name of inventor:  
Citizenship:  
Post Office Address:

Residence:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

1.56 Duty to disclose information material to patentability.

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- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

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